

“APPLICANT”

**DOMESTIC
VIOLENCE
FORMS PACKET**

What is a "domestic violence restraining order"?

It is a court order that can help protect people from abuse.

What is abuse?

Abuse means to hit, kick, hurt, scare, throw things, pull hair, push, follow, harass, sexually assault, or threaten to do any of these things. Abuse can be spoken, written, or physical.

Can I get a restraining order?

You can ask for one if:

- A person has abused you *and*
- You have a close relationship with that person (married, divorced, separated, registered domestic partnership, dating or used to date, live together or used to live together*), or you are related (parent, child, brother, sister, grandmother, grandfather, in-law)

* You have to be more than just roommates.

What if I don't qualify for a restraining order?

If you do not qualify, there are other kinds of orders you can ask for:

- Civil harassment order (can be used for neighbors, roommates, and co-workers)
- Dependent adult or elder abuse restraining order

Ask the court clerk for the forms you need for these special kinds of orders. You may also want to talk to a lawyer.

How soon can I get the order?

The judge will decide whether or not to make the order within 24 hours of your request. Sometimes the judge decides sooner.

How will the restraining order help me?

It can order the restrained person to:

- Not contact or go near you, your children, other relatives, or others who live with you
- Not have a gun
- Move out of your house

Other orders are available. The restraining order can also provide for:

- Child custody and visitation orders
- Child support
- Spousal support

How long does the order last?

The first (temporary) order lasts until your next court date. At that time, the judge will decide to continue or cancel the order. The order issued at that hearing could last for up to 5 years. Child custody, visitation, and support orders last longer. Child custody, visitation, and support orders can last until the child turns 18.

How much does it cost?

Nothing.

What if I don't have a green card?

You can still get a restraining order. If you are worried about deportation, talk to an immigration lawyer.

Do I have to go to court?

Yes. Go to court on the date the clerk gives you. If you do not, your order will end.

Do I need a lawyer?

No. But it is a good idea, especially if you have children. Ask the court clerk about legal services and domestic violence help centers in your county. The clerk can also send you to the Family Law Facilitator for help with child support.

Do I need to bring a witness to the court hearing?

No. But it helps to have proof of the abuse. You can bring:

- A statement from a witness, made under oath
- A witness
- Photos
- Medical or police reports
- Damaged property
- A threatening letter, an e-mail, or a telephone message

The judge may or may not let a witness speak at the hearing.

Will I see the restrained person at the hearing?

If the restrained person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer. Read *Get Ready for Your Hearing (For Protected Person)* (Form DV-520-INFO).

Can I bring someone with me to the court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk for a court interpreter. If the interpreter is not available for your court date, bring someone to interpret for you. Do not ask a child, or anyone protected by the order, to interpret for you.

What if I am deaf or hard of hearing?**Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

How will the restrained person know about the order?

Someone who is at least 18—not you or anyone else protected by the order—must “serve” (give) the restrained person with a copy of the order. The sheriff or marshal will do it for free, but you have to ask. For more help, ask the court clerk for Form DV-210-INFO.

What if the restrained person doesn't obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Can I agree with the restrained person to cancel the order?

No. Only the judge can change or cancel the order.

Can I use the restraining order to get divorced or terminate a registered domestic partnership?

No. These forms will not end your marriage or registered domestic partnership. You must file other forms to end your marriage or registered domestic partnership. The court clerk can tell you where to get legal help.

Can this order stop the other person from taking our children away?

Yes. The judge can order the person named in the orders *not* to take the children out of California, or the county you live in, without your written agreement or another court order.

What if I move?

Your restraining order works anywhere in the United States. If you move out of California, contact your new local police so they will know about your orders. If you want to move with your minor children, you need the other parent's permission or a court order. (There are some exceptions. Talk to a lawyer.)

Need more information?

Ask the court clerk about free or low-cost legal help. Or call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

They can help you in more than 100 languages. It's free and private.

For help in your area, contact:

INSTRUCTIONS FOR DOMESTIC VIOLENCE RESTRAINING ORDERS (DVTRO)

Warning: If you are a victim of domestic violence you should not try to complete these forms by yourself. The way you mark the boxes and the information you provide, may limit the Court's ability to make orders on your behalf. *There is help available.* You should either consult with an attorney or ask for free help at any of the DOMESTIC VIOLENCE RESTRAINING ORDER CLINICS operated at each Court location in this County or at the FAMILY JUSTICE CENTER. The FAMILY LAW FACILITATOR is also available to help you. See additional information below:

If you choose to complete the Domestic Violence Restraining Order packet without assistance, make sure you read the instructions and the forms completely before you begin. Remember to type or print clearly in black ink.

- **DOMESTIC VIOLENCE RESTRAINING ORDER CLINICS**

Madge Bradley Building
FAMILY VIOLENCE SOLUTIONS CENTER
1409 Fourth Avenue
San Diego, CA 92101
Monday through Friday
8:30 a.m. – noon; 1:00 p.m. - 4:30 p.m.

North County Courthouse
325 South Melrose Drive
Vista, CA 92081
Monday through Friday
8:30 a.m. – 2:30 p.m.

East County Courthouse
250 East Main Street
El Cajon, CA 92020
Monday through Friday
9:00 a.m. – noon; 1:00 p.m. – 4:00 p.m.

South County Courthouse
500 3rd Ave., Room 390
Chula Vista, CA 91910
Monday through Friday
10:30 a.m. – 1:00 p.m.

- **FAMILY JUSTICE CENTER**

707 Broadway, Suite 700
San Diego, CA 92101
Monday through Friday
8:00 a.m. – 5:00 p.m.

- **FAMILY LAW FACILITATOR**

The San Diego Superior Court operates this program. Facilitator hours of operation: Monday through Friday, 8:30 a.m. – 12:00 p.m. and 1:30 p.m.- 4:30 p.m. Assistance is provided on an emergency basis if Domestic Violence Clinics are unable to assist.

Family Court -Lobby
1555 Sixth Avenue
San Diego, CA 92101
Court Records Section:
(619) 236-0189

Vista Courthouse
325 South Melrose Dr.
Vista, CA 92081
Court Business Office:
(760) 726-9595

East County
250 E. Main St.
El Cajon, CA 92020
Court Business Office:
(619) 441-6770

South County
500 3rd Ave.
Chula Vista, CA 91910
Court Business Office:
(619) 691-4875

REASONABLE ACCOMODATIONS PURSUANT TO CALIFORNIA RULE OF COURT 989.3 WILL BE MADE FOR PERSONS WITH DISABILITIES. ADVISE THE CLERK OF NEED IN ADVANCE OF THE HEARING DATE.

Clerk stamps date here when form is filed.

1 Your name (person asking for protection):

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone number (*optional*): _____

Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*):

Fill in court name and street address:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

- ☐ COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814
☐ FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA, 92101-3294
☐ MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105
☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-6651
☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941
☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649

Clerk fills in case number when form is filed.

Case Number:

2 Name of person you want protection from:

Description of that person: Sex: ☐ M ☐ F Height: _____

Weight: _____ Race: _____ Hair Color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

3 Besides you, who needs protection? (*Family or household members*):

Full Name	Age	Lives with you?	How are they related to you?
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 3—Protected People" by your statement. NOTE: In any item that asks for Form MC-020, you can use an 8 1/2 x 11-inch sheet of paper instead.

4 What is your relationship to the person in 2? (*Check all that apply*):

- ☐ We are now married or registered domestic partners.
- ☐ We used to be married or registered domestic partners.
- ☐ We live together.
- ☐ We used to live together.
- ☐ We are relatives, in-laws, or related by adoption (*specify relationship*): _____
- ☐ We are dating or used to date.
- ☐ We are engaged to be married or were engaged to be married.
- ☐ We are the parents together of a child or children under 18:
 Child's Name: _____ Date of Birth: _____
 Child's Name: _____ Date of Birth: _____
 Child's Name: _____ Date of Birth: _____
- ☐ Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 4h" by your statement.
- ☐ We have signed a Voluntary Declaration of Paternity for our child or children. (*Attach a copy if you have one.*)

This is not a Court Order.

Your name: _____

5 Other Court Cases

- a. Have you and the person in
- (2)**
- been involved in another court case?
- ☐
- No
- ☐
- Yes

If yes, where? County: _____ State: _____

What are the case numbers? (If you know): _____

What kind of case? (Check all that apply):

- ☐ Registered Domestic Partnership ☐ Divorce/Dissolution ☐ Parentage/Paternity ☐ Legal Separation
☐ Domestic Violence ☐ Criminal ☐ Juvenile ☐ Child Support ☐ Nullity ☐ Civil Harassment
☐ Other (specify): _____

- b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?

☐ No ☐ Yes If yes, attach a copy if you have one.**What orders do you want? Check the boxes that apply to your case. ☒****6 ☐ Personal Conduct Orders**I ask the court to order the person in **(2)** not to do the following things to me or any of the people listed in **(3)**:

- a. ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail

*The person in **(2)** will be ordered not to take any action to get the addresses or locations of any protected person, their family members, caretakers, or guardians unless the court finds good cause not to make the order.***7 ☐ Stay-Away Order**I ask the court to order the person in **(2)** to stay at least _____ yards away from (check all that apply):

- a. ☐ Me e. ☐ The children's school or child care
b. ☐ The people listed in **(3)** f. ☐ My vehicle
c. ☐ My home g. ☐ Other (specify): _____
d. ☐ My job or workplace _____

If the person listed in **(2)** is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, or place of worship? ☐ Yes ☐ No (If no, explain): _____**8 ☐ Move-Out Order**I ask the court to order the person in **(2)** to move out from and not return to (address): _____

I have the right to live at the above address because (explain): _____

9 ☐ Child Custody, Visitation, and Child SupportI ask the court to order child custody, visitation, and/or child support. *You must fill out and attach Form DV-105.***10 ☐ Spousal Support***You can make this request only if you are married to, or are a registered domestic partner of, the person in **(2)** and no spousal support order exists. To ask for spousal support, you must fill out, file, and serve Form FL-150 before your hearing.***This is not a Court Order.**

Your name: _____

What orders do you want? Check the boxes that apply to your case. ☒**11 ☐ Record Unlawful Communications**I ask for the right to record communications made to me by the person in **(2)** that violate the judge's orders.**12 ☐ Property Control**I ask the court to give **only** me temporary use, possession, and control of the property listed here:
_____**13 ☐ Debt Payment**I ask the court to order the person in **(2)** to make these payments while the order is in effect:☐ *Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 13—Debt Payment" by your statement.*

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

14 ☐ Property RestraintI am married to or have a registered domestic partnership with the person in **(2)**. I ask the judge to order that the person in **(2)** not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in **(2)** to notify me of any new or big expenses and to explain them to the court.**15 ☐ Attorney Fees and Costs**I ask that the person in **(2)** pay some or all of my attorney fees and costs.*You must complete and file Form FL-150, Income and Expense Declaration.***16 ☐ Payments for Costs and Services**I ask that the person in **(2)** pay the following:*You can ask for lost earnings or your costs for services caused directly by the person in **(2)** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

17 ☐ Batterer Intervention ProgramI ask the court to order the person listed in **(2)** to go to a 52-week batterer intervention program and show proof of completion to the court.**18 ☐ No Fee to Serve (Notify) Restrained Person***If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.***This is not a Court Order.**

Your name: _____

What orders do you want? Check the boxes that apply to your case. ☒**19 ☐ More Time for Notice**

I need extra time to notify the person in (2) about these papers. Because of the facts explained on this form, I want the papers served up to _____ days before the date of the hearing. *For help, read Form DV-210-INFO.*
If necessary, add additional facts: _____

20 ☐ Other Orders

What other orders are you asking for? _____

☐ *Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 20—Other Orders" by your statement.*

21 Guns or Other Firearms

I believe the person in (2) owns or possesses guns or firearms. ☐ Yes ☐ No ☐ I don't know

If the judge approves the order, the person in (2) will be required to sell to a gun dealer or turn in to police any guns or firearms that he or she owns or possesses.

22 Describe the most recent abuse.

a. Date of most recent abuse: _____

b. Who was there? _____

c. What did the person in (2) do or say that made you afraid?

d. Describe any use or threatened use of guns or other weapons: _____

e. Describe any injuries: _____

f. Did the police come? ☐ No ☐ Yes

If yes, did they give you an Emergency Protective Order? ☐ Yes ☐ No ☐ I don't know

Attach a copy if you have one.

☐ *Check here if you need more space. Use Form MC-020 and write "DV-100, Item 22—Recent Abuse" by your statement.*

☐ *Check here if the person in (2) has abused you (or your children) other times. Use Form DV-101 or Form MC-020 to describe any previous abuse.*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

☒ This form is attached to DV-100, Item 21.

1 Your name: _____

2 Name of person you want protection from (restrained person): _____

3 Describe the 2nd most recent abuse.

a. Date of 2nd most recent abuse: _____

b. Who was there? _____

c. What did the person in ② do or say to you that made you afraid? _____

d. Describe any use or threatened use of guns or other weapons. _____

e. Describe any injuries. _____

f. Did the police come? ☐ No ☐ Yes

If yes, did they give you an Emergency Protective Order? ☐ Yes ☐ No ☐ I don't know

Attach a copy if you have one.

Your name: _____

Case Number: _____

4 Describe other recent abuse.

- a. Date of other recent abuse: _____
- b. Who was there? _____

- c. What did the person in ② do or say to you that made you afraid? _____

- d. Describe any use or threatened use of guns or other weapons. _____

- e. Describe any injuries. _____

- f. Did the police come? ☐ No ☐ Yes
If yes, did they give you an Emergency Protective Order? ☐ Yes ☐ No ☐ I don't know
Attach a copy if you have one.

5 ☐ Describe other abuse against you or your children.

- ☐ *If you need more space, check the box and attach Form MC-020. Or attach a sheet of paper and write "DV-101 — Description of Abuse" at the top.*

SHORT TITLE: 	CASE NUMBER:
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26	(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):
27	<div>This page may be used with any Judicial Council form or any other paper filed with the court.</div> <div>Page _____</div>

California Law Enforcement Telecommunications System (CLETS) Information Form

Important Notice: This form **MUST NOT** become part of the public court file. It is confidential and private. If the court issues a restraining order, this form will provide law enforcement with information that will assist them in enforcing a restraining order.

Person To Be Protected: Fill out this form as much as you can, and give it to the court clerk. The clerk will provide the confidential information on this form to CLETS, a statewide computer system that lets police know about your order. In addition to providing the information on this form, you must provide a public mailing address on your request for a restraining order filed with the court. This will allow the court to contact you if needed and allow the other side to have their response to your petition served on you. If you want to keep your place of residence confidential, you can use a post office box or "care of" address on the request that you file.

Case number for your restraining order (if you know it): _____

1 Person To Be Protected (name): _____

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

(mailing address listed on restraining order) (city, state, zip) (telephone number [optional])

Vehicle (type, model, year): _____

Vehicle license number and state: _____

2 Person To Be Restrained (name): _____

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

(residence address) (city, state, zip) (telephone number)

(work place) (occupation/title) (work hours)

(business address) (city, state, zip) (telephone number)

Driver's license number and state: _____ Vehicle license number and state: _____

Vehicle (type, model, year): _____

Social Security Number: _____

Describe any marks, scars, or tattoos: _____

Other names used by the restrained person: _____

Describe any guns or firearms you believe the restrained person owns or has access to (number, types, and locations): _____

3 Other People To Be Protected (only in domestic violence and civil harassment cases)

Name Date of Birth Sex Race

Confidential—Do not file in court file.

Clerk stamps date here when form is filed.

① Name of person asking for protection (protected person): _____

Protected person's address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*): _____

City: _____ State: _____ Zip: _____

Telephone number: _____

Protected person's lawyer (*if any*): (*Name, address, telephone number, and State Bar number*): _____

Fill in court name and street address:

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO**

- ☐ COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814
- ☐ FAMILY COURT, 1555 6TH AVE., SAN DIEGO, CA, 92101-3294
- ☐ MADGE BRADLEY BLDG., 1409 4TH AVE., SAN DIEGO, CA 92101-3105
- ☐ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA, 92081-6651
- ☐ EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA, 92020-3941
- ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649

Fill in case number:

Case Number: _____

② Restrained person's name: _____

Description of that person: Sex: ☐ M ☐ F Height: _____

Weight: _____ Race: _____ Hair Color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

③ List the full names of all family or household members protected by this order: _____

④ **Court Hearing Date (*Fecha de la Audiencia*)**

Clerk will fill out section below.

Hearing Date → Date: _____ Time: _____ Name and address of court if different from above: _____
Dept.: _____ Rm.: _____

To the person in ②: At the hearing, the judge can make restraining orders that last for up to 5 years. The judge can also make other orders about your children, child support, spousal support, money, and property. File an answer on Form DV-120 before the hearing. At the hearing, you can tell the judge that you do not want the orders against you. Even if you do not attend the hearing, you *must* obey the orders.

Para la persona nombrada en ②: En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 5 años. El juez puede también hacer otras órdenes acerca de niños, manutención, dinero y propiedad. Presente una respuesta en el formulario DV-120 antes de la audiencia. Si Usted se opone a estas órdenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, tiene que obedecer estas órdenes.

To the person in ①: At the hearing, the judge will consider whether denial of any orders will jeopardize your safety and the safety of children for whom you are requesting custody, visitation, and child support. Safety concerns related to the financial needs of you and your children will also be considered.

⑤ **Temporary Orders (*Ordenes Temporales*)**

Any orders made in this form end at the time of the court hearing in ④, unless a judge extends them.

Read this form carefully. All checked boxes ☒ and items 10 and 11 are court orders.

Todas las órdenes hechas en esta formulario terminarán en la fecha y hora de la audiencia en ④, al menos que un juez las extienda. Lea este formulario con cuidado. Todas las casillas marcadas ☒ y los artículos 10 y 11 son órdenes de la corte.

This is a Court Order.

**Temporary Restraining Order
and Notice of Hearing (CLETS—TRO)
(Domestic Violence Prevention)**



Your name: _____

6 ☐ Personal Conduct OrdersThe person in **(2)** must ***not*** do the following things to the protected people listed in **(1)** and **(3)**:

- a. ☐ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
☐ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise
- c. ☐ Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

- ☐ A criminal protective order on Form CR-160 is in effect. Case Number: _____
County (if known): _____ Expiration Date: _____ *(If more orders, list them in item (16))*

7 ☐ Stay-Away OrderThe person in **(2)** must stay at least _____ yards away from:

- a. ☐ The person listed in **(1)**
- b. ☐ The people listed in **(3)**
- c. ☐ Home ☐ Job ☐ Vehicle of person in **(1)**
- d. ☐ The children's school or child care
- e. ☐ Other (specify): _____

8 ☐ Move-Out OrderThe person in **(2)** must take only personal clothing and belongings needed until the hearing and move out immediately from (address): _____**9 ☐ Child Custody and Visitation Order**

- a. ☐ You and the other parent must make an appointment for court mediation (address and phone number): _____
- b. ☐ Follow the orders listed in Form DV-140, which is attached.

10 ☐ No Guns or Other Firearms or AmmunitionThe person in **(2)** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, firearms, or ammunition.**11 ☐ Turn in or sell guns or firearms.**The person in **(2)**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order.
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

12 ☐ Property ControlUntil the hearing, *only* the person in **(1)** can use, control, and possess the following property and things:_____
_____**This is a Court Order.**

Your name: _____

13 ☐ **Property Restraint**

If the people in ① and ② are married to each other or are registered domestic partners, they must not transfer, borrow against, sell, hide, or get rid of or destroy any property, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. *(The person in ② cannot contact the person in ① if the court has made a “no contact” order.)*

14 ☐ **Unlawful communications may be recorded.**

The person in ① can record communications made by the person in ② that violate the judge’s orders.

15 **No Fee to Notify (Serve) Restrained Person**

If the sheriff serves this order, he or she will do it for free.

16 ☐ **Other Orders** *(specify):* _____

_____**17** If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in ② will get a copy of that order by mail at his or her last known address. *(Write restrained person’s address here):*

If this address is not correct, or to know if the orders were made permanent, contact the court.

18 ☐ **Time for Service****A To: Person Asking for Order**


Someone 18 or over—**not you or the other protected people**—must personally “serve” a copy of this order to the restrained person at least _____ days before the hearing.

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—**not you**—must “serve” Form DV-120 on the person in ①, then file it with the court at least _____ days before the hearing.

For help with Service or answering, read Form DV-210-INFO or DV-540-INFO.

Date: _____



*Judge (or Judicial Officer)***Certificate of Compliance With VAWA**

This temporary protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.

Your name: _____

Warnings and Notices to the Restrained Person in ②**19 If you do not obey this order, you can be arrested and charged with a crime.**

- It is a felony to take or hide a child in violation of this order. You can go to prison and/or pay a fine.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to prison and/or pay a fine.

20 You cannot have guns, firearms, and/or ammunition.

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, firearms, and/or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a gun dealer or turn in to police any guns or firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition if you are subject to a restraining order made after a noticed hearing.

21 After You Have Been Served With a Restraining Order

- Obey all the orders.
- If you want to respond, fill out Form DV-120. Take it to the court clerk with the forms listed in item ②②.
- File DV-120 and have all papers served on the protected person by the date listed in item ①⑧ of this form.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not attend the hearing, the judge can make the restraining orders last for 5 years.

22 Child Custody, Visitation, and Support

- Child Custody and Visitation: If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing your side.
- Child Support: The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money, and usually you have to pay until the child is 18. File and serve a *Financial Statement* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.
- Spousal Support: File and serve a *Financial Statement* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.

23 Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

This is a Court Order.

Your name: _____

Instructions for Law Enforcement**24 Start Date and End Date of Orders**

The start date is the date next to the judge's signature on page 3. The orders end on the hearing date on page 1 or the hearing date on Form DV-125, if attached.

25 Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

26 Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Family Code, § 6383.)

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS). (Fam. Code, § 6381(b)(c).)

27 If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

28 Child Custody and Visitation

- Custody and visitation orders are on Form DV-140, items ③ and ④. They are sometimes also written on additional pages or referenced in DV-140 or other orders that are not part of the restraining order.
- **Forms DV-100 and DV-105 are not orders. Do not enforce them.**

29 Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, or on the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

30 Conflicting Orders

A protective order issued in a criminal case on Form CR-160 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders.

*Clerk's Certificate**[seal]*

I certify that this Temporary Restraining Order is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

